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SENATE

{ REPORT
105-385

VALLEY FORGE NATIONAL HISTORICAL PARK

OCTOBER 9 (legislative day, OCTOBER 2), 1998.—Ordered to be printed

Mr. MURKOWOKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2401]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2401) to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historical Park, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date on which funds are made available for the purpose, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the Paoli Battlefield Site and the Brandywine Battlefield Site in Pennsylvania.

(b) CONTENTS.—The study under subsection (a) shall—

(1) identify the full range of resources and historic themes associated with the battlefields and their relationship to the American Revolutionary War and the Valley Forge National Historical Park;

(2) identify alternatives for National Park Service involvement at the sites and include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

PURPOSE OF THE MEASURE

The purpose of S. 2401, as reported, is to authorize the Secretary of the Interior to conduct a resource study of the Paoli Battlefield

site and the Brandywine Battlefield site in Pennsylvania for inclusion as a unit of the National Park System.

BACKGROUND AND NEED

In September of 1777, the British force of over 18,000 invaded Pennsylvania with the intent of capturing the city of Philadelphia. General George Washington ordered Anthony Wayne's brigade of approximately 2,000 soldiers to go behind the British lines and harass its supply train. Wayne delayed for two days at Paoli in Mavern, Pennsylvania, only to be surprised on the night of September 20 by a bayonet attack from a highly professional British force of about 1200. The attack resulted in the death of at least 53 Americans, over 150 wounded, and 71 captured. Local farmers buried the American dead at the edge of the Paoli battlefield, where their graves remain today.

The Paoli Battlefield is privately owned by the Malvern Preparatory School (School). The School intends to sell the 40 acre parcel in order to strengthen its endowment, but school officials agreed to give the community a chance to purchase the land for historical preservation purposes.

LEGISLATIVE HISTORY

S. 2401 was introduced July 31, 1998 by Senator Specter and referred to the Committee on Energy and Natural Resources. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 2401 on September 17, 1998.

At its business meeting on September 24, 1998, the Committee on Energy and Natural Resources ordered S. 2401, favorably reported, as amended.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on September 24, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2401, as amended described herein.

COMMITTEE AMENDMENT

During the consideration of S. 2401, the Committee adopted an amendment in the nature of a substitute, which authorizes the Secretary of the Interior to conduct a study of the Paoli Battlefield site and the Brandywine Battlefield site for inclusion in the National Park System. As introduced, S. 2401 would have authorized the addition of the Paoli Battlefield without the necessary studies having been completed.

The study will identify the resources and the historic themes associated with the battlefields and their relationship to the American Revolutionary War and the Valley Forge National Historical Park. The study will also identify alternatives for the National Park Service involvement in the sites and the associated cost estimates for acquisition, development, interpretation, operation and maintenance for each alternative. The amendment authorizes appropriations necessary to carry out this Act.

SUMMARY OF S. 2401

S. 2401 authorizes the Secretary of the Interior to conduct a resource study of the Paoli Battlefield site and the Brandywine Battlefield site in Pennsylvania for inclusion in the National Park System. The study will identify alternatives for the National Park Service involvement in the sites and the associated costs. S. 2401 authorizes appropriations necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 1, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy, and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2401, a bill to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to the Valley Forge National Historical Park, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact for this estimate is Deborah Reis.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2401—A bill to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to the Valley Forge National Historical Park

S. 2401 would direct the National Park Service (NPS) to conduct a resource study of the Paoli Battlefield site and the Brandywine Battlefield site in Pennsylvania. The study would identify resources and historic themes of the battlefields and their relationship to the American Revolutionary War. It also would consider alternatives for NPS involvement at the sites and include related cost estimates. The bill would require the NPS to submit a report of its findings to the Congress within 18 months of receiving funding for the study.

Based on information obtained from the NPS, CBO estimates that implementing S. 2401 would cost the federal government less than \$100,000 in fiscal year 1999, assuming the availability of appropriated funds. The bill would not affect direct spending or receipts; therefore, pay-as-you-go-procedures would not apply. S. 2401 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2401. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 2401, as ordered reported.

EXECUTIVE COMMUNICATIONS

On September 3, 1998, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 2401. These reports had not been received at the time the report on S. 2401 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony of the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF DESTRY JARVIS, ASSISTANT DIRECTOR FOR EXTERNAL AFFAIRS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to testify on S. 2401, a bill to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to the Valley Forge National Historical Park, and for other purposes.

This bill would add the Paoli Battlefield, by map reference, to Valley Forge National Historical Park and would authorize the Battlefield to be managed by the Borough of Malvern through cooperative agreement between the Secretary of the Interior and the Borough. Further, the bill would authorize an appropriation of up to \$2,500,000 for acquisition of the battlefield, provided that \$1,000,000 of non-federal funds are available as a match.

Mr. Chairman, we would support federal assistance for the protection and non-federal management of threatened battlefield sites related to Valley Forge as outlined below. However, we oppose the addition of Paoli Battlefield to the National Park System. The site has not been the subject of any study by the National Park Service to determine its significance, suitability and feasibility for inclusion in the National Park System. Neither has the site been the subject of a National Historic Landmark nomination or designation.

In September of 1777, the British, boasting a force of over 18,000, invaded Pennsylvania with the intent of capturing the American capital city of Philadelphia. In the major Battle of Brandywine, General George Washington with an army of 12,500 was defeated. A week later, Washington ordered Anthony Wayne's brigade of approximately 2,000 to get behind the British and harass its supply train. Wayne delayed for two days at Paoli, only to be surprised on the night of September 20 by a bayonet attack of a highly professional, but much smaller, British force of about 1,200. The result was a rout, and the death of at least 53 Americans, over 150 wounded and 71 captured. Local farmers had to bury the American dead at the edge of the Paoli battlefield, where they remain today.

American fortune never seemed lower. The British under General Cornwallis entered Philadelphia on the 26th. On a subsequent initiative at Germantown to retake the city, Washington was again defeated. In December, Washington led his defeated Army to Valley Forge for the famous winter of 1777-1778, and the rebuilding of the Continental Army. This is an important story, and these sites should not be lost.

Both Brandywine and Paoli battlefield sites are threatened by development in the rapidly growing suburban country outside Philadelphia. The threat to these sites is made more acute by the knowledge that the integrity of the Germantown battlefield has long since been destroyed. The National Park Service has been aware of efforts to protect both the Brandywine and Paoli battlefields by patriotic and preservation organizations, and by the Commonwealth of Pennsylvania, by Chester County, and by the Borough of Malvern. Although much of Brandywine is lost, only headquarters structures are preserved, not the battlefield itself, and conservation efforts have focused on the Meetinghouse Road Corridor, a 472-acre area of intense battle activity. The entire Paoli site is intact, and in its original use as a cornfield.

The National Park Service has conducted no Special Resource Study to determine the significance, suitability and feasibility of the addition of these battlefields to the National Park System. However, unlike Paoli, Brandywine Battlefield is determined to be nationally significant as a National Historic Landmark. Much of Paoli's significance derives from Brandywine. Priorities would be confused to lose one and save the other.

Incorporating Paoli into Valley Forge National Historical Park appears to be a means to authorize federal land acquisition funding. We have understood that the Borough of Malvern has agreed to hold and manage the 40-acre Paoli site, and the Commonwealth of Pennsylvania would hold the key 77.2-acre "Spackman" parcel of the Brandywine battlefield as the Battle of the Brandywine Historic Park. For the lands adjacent to this parcel within the Meetinghouse Road Corridor, the Brandywine Conservancy is

seeking to acquire and hold conservation easements over 296 acres.

Chester County estimates the cost of the Paoli site to be \$2,500,000, and the Brandywine parcel's appraised valuation to be \$3,300,000. Finally, the Brandywine Conservancy, a private conservation organization, estimates the value of the easements to be approximately \$3,000,000.

Given the absence of any existing suitability study on these parcels and the fact that timing is frequently important to prevent the possibility of further degradation and development, it does not appear necessary for either battlefield to be incorporated into the National Park System to help preserve them. In full view of the circumstances at Paoli and Brandywine, and the availability of willing non-federal managers, one option would be an authorization of up to 50% of the funds necessary for the acquisition and protection of the Brandywine and Paoli Battlefields by, respectively, the Commonwealth of Pennsylvania and the Brandywine Conservancy, and by the Borough of Malvern. We believe the patriotic and preservation organizations involved and the state and local governments would strongly respond to this incentive by raising the additional funds necessary to protect these battlefields. Any land acquisition funding request would be subject to Administration priorities and budgetary constraints.

To improve public appreciation and understanding of the battles for Philadelphia and the winter in Valley Forge, the National Park Service and Valley Forge National Historical Park would welcome the opportunity to participate through technical assistance in the cooperative development of interpretive trails and brochures linking Brandywine, Paoli, and Valley Forge.

Through a partnership as described above, the Congress could make an important contribution to the protection of an important part of our heritage. We would be happy to work with the Committee to draft amendatory language to address our concerns. This concludes my prepared statement.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 2401, as ordered reported.